

AN ORDINANCE RELEASING, VACATING AND ABANDONING
A PORTION OF SECOND STREET AND WASHINGTON STREET
IN THE TOWN OF TONTITOWN, ARKANSAS
AND DECLARING AN EMERGENCY,
AND FOR OTHER PURPOSES

FILED
FOR RECORD
'87 MAY 11 AM 11 24
WASHINGTON COUNTY AR
ALMA KOLLMEYER
CIRCUIT CLERK

WHEREAS, a petition has been filed with the Town of Tontitown, Arkansas, asking the Town Council to vacate and abandon portions of streets in the Town of Tontitown, to-wit:

That portion of Second Street from the South right-of-way line of State Highway 68 South to the North right-of-way line of Bandini Avenue, and also that portion of Washington Avenue between First Street and Second Street.

Underground utility easements are reserved in those portions of the above streets being closed five feet on either side of a line which is the center line of existing water lines in said streets for installation, repair and maintenance of underground utilities in said easement.

AND WHEREAS, the Town Council of the Town of Tontitown set a time for a public hearing on said petition for the 5th day of May, 1987.

AND WHEREAS, after notice as required by law, a public hearing was held on the aforesaid date and, after hearing all persons desiring to be heard on the question, the Town Council ascertained that the streets or portion thereof hereinbefore described, should be abandoned and vacated, that all the owners of the property abutting upon the portions of the streets to be vacated have filed with the Town Council their written consent to such abandonment; that the streets are not needed for highway or city purposes; that the welfare of the Town of Tontitown will be enhanced and promoted by the closing and abandoning of said streets; and the public interest and welfare will not be adversely affected by the abandonment of such streets.

AND WHEREAS, the Town of Tontitown has determined that the petitioner is the owner of the property located on each side of the portion of the streets to be abandoned.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TONTITOWN, ARKANSAS:

Section 1. The Town of Tontitown, Arkansas, hereby releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the portion of the streets described as follows:

That portion of Second Street from the South right-of-way line of State Highway 68 South to the North right-of-way line of Bandini Avenue, and also that portion of Washington Avenue between First Street and Second Street.

Underground utility easements are reserved in those portions of the above streets being closed five feet on either side of a line which is the center line of existing water lines in said streets for installation, repair and maintenance of underground utilities in said easement.

Section 2. The absolute ownership of the property abandoned by the Town of Tontitown, subject to the utility easements as set forth above, shall vest in the owners of the real estate abutting thereto, each such abutting owner taking title to the centerline of the street so abandoned, such ownership being free from the easements of the Town of Tontitown for public use as a street, except for utility easements until such time as they are released as set forth above.

Section 3. That the Mayor and Town Clerk of the Town of Tontitown, pursuant to this ordinance, are hereby authorized, if necessary, to join in a written agreement with the owners of all the real estate adjacent to the aforesaid streets and the utilities to abandon said streets so that title to said portions of the streets closed and vacated shall vest in the owners of the real estate adjacent thereto.

Section 4. A copy of this ordinance, duly certified by the Town Clerk, along with a written agreement referred to above, if necessary, shall be filed in the office of the Circuit Clerk and Recorder and recorded in the Deed Records of the County.

Section 5. It is hereby declared that an emergency exists, and this ordinance, being necessary for the preservation, health, safety and welfare of the citizens of the Town of Tontitown, Arkansas, shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this 5th day of May, 1987.

Freddie P. Saldo
MAYOR



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CERTIFICATION

I do hereby certify that I am the Town Clerk of the Town of Tontitown, Arkansas, and further certify that the above and foregoing is a true copy of Ordinance No. 82 duly passed and approved by the Town Council and the Mayor of the Town of Tontitown, Arkansas, on the 5th day of May, 1987, the same being recorded in Book _____ at Page _____.

Francis Franco

TOWN CLERK OF THE TOWN
OF TONTITOWN, ARKANSAS

AGREEMENT

This agreement made between P.A.M. Transport, Inc., herein called First Party, and Town of Tontitown, herein called Second Party. Witnesseth:

First Party does hereby agree, in exchange for valuable consideration, receipt of which is hereby acknowledged, to install ⁷⁸² concrete paving along Bandini Avenue between Second Street and Barrington Avenue in the Town of Tontitown, Arkansas.

First Party agrees that all labor and material will be at the expense of First Party and that same will be completed within one year from the date hereof.

The Town of Tontitown agrees that after completion of said ^{SPD} concrete paving by First Party, maintenance or the above described portion of Bandini Avenue shall be the responsibility of the Town of Tontitown.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 5th day of May, 1987.

P.A.M. TRANSPORT, INC.

By *Faula Martin*
Authorized Representative

TOWN OF TONTITOWN

By *Judith B. Finkle*
Mayor

Attest:

Francis Franco
Town Clerk